

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDRE R. LEVESQUE,

Plaintiff,
-v-

No. 9:12-CV-960
(DNH/CFH)

CVPH MEDICAL CENTER,

Defendant.

APPEARANCES:

ANDRE R. LEVESQUE
Plaintiff pro se
c/o UPS Store #149
35A Smithfield Blvd
Plattsburgh, NY 12901

STAFFORD, OWENS LAW FIRM
Attorneys for Defendant
One Cumberland Avenue
Plattsburgh, NY 12901

OF COUNSEL:

JUSTIN R. MEYER, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Andre R. Levesque brought this action pursuant to Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq. On March 5, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

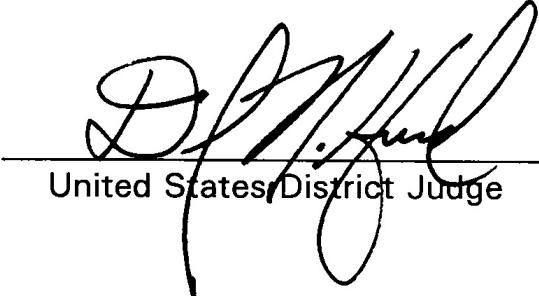
Therefore, it is

ORDERED that

1. Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is DENIED; and
2. Defendant is directed to answer the amended complaint on or before April 9, 2014.

The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: March 26, 2014
Utica, New York.